

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

DAVID ZAITZEFF, et al.,) Case No. 08-cv-04053
Plaintiff,)
vs.) Hon. Charles R. Norgle
PEREGRINE FINANCIAL GROUP,)
INC., et al.,) Mag. Judge Cox
Defendants.)

PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE AN ANSWER TO COMPLAINT AND REQUEST FOR CLERK TO ENTER DEFAULT OF DEFENDANTS AND SUPPORTING DECLARATION OF MICHAEL TRACY

Plaintiff, David Zaitzeff, submits the following opposition and also requests the clerk to enter the default of Defendants in this matter, pursuant to Rule 55, for failing to defend or otherwise answer.

1. Defendant has not offered any good cause as to why they should be granted a total of 5 months to answer the complaint.

This case was filed on May 2, 2008. Defendants were served on May 12, 2008 and filed a Motion to Dismiss or alternately a Motion to Transfer on May 21, 2008. Their Motion to Dismiss was 7 pages long and included 30 pages of attached exhibits. In filing the motion, Defendants violated California Central District Local Rule 7-3 that required parties to engage in a meet-and-confer prior to filing motions. *See Exhibit A*, attached hereto.

Defendants Motion to Dismiss was denied by the Court. However, Defendants Motion to Transfer was granted. The Order was entered on June 23, 2008. As such, Defendants had 10 days from that date within which to file an answer. Fed. R. Civ. Proc. 12(a)(4)(A). Defendants have failed to file an answer or otherwise respond to the complaint and are now in default in this matter.

Defendants admit that they know they are in default and they refuse to file and answer. Instead, Defendants bring this motion to grant them an additional 60 days to answer. Their motion is based on their unsupported allegation that one of their many attorneys has unspecified “arbitration and appellate commitments” that would prevent the attorney from defending the case in the time required by the Rules. The workload of an attorney is not a reasonable grounds for not filing an answer. *Pioneer Inv. Serv. Co. v. Brunswick Assocs. P'ship*, 507 U.S. 380, 395 (1993). In addition, counsel for Defendants should review the Committee Notes of Local Rule 83.51.3 which states that “A lawyer’s work load should be controlled so that each matter can be handled adequately.” If counsel can not adequately defend this case, it is manifestly unfair that Plaintiff be the one that suffers.

Counsel for Defendants has also offered no reason why Defendants were able to file a Motion to Dismiss only 9 days after they were served, but are unable to file an answer for over 3 months and then need an additional 2 months. Such a delay hinders this lawsuit and will make it impossible for this Court to successfully hold an initial status conference in a timely manner, as outlined in this Court’s Standing Orders for Initial Status Conference.

Plaintiff is unduly prejudiced by any delay in answering by Defendants. This case is a claim for minimum wage payments. Mr. Zaitzeff has previously introduced evidence that Defendants paid him sub-poverty level wages. If Defendants promptly and truthfully answer the complaint, it will greatly streamline the case because most of the issues will be eliminated by their admissions of the allegations in the complaint. If Defendants decide to deny the allegations in the complaint, then Mr. Zaitzeff needs to immediately begin investigation and discovery into those matters so that he can promptly bring a Motion for Summary Judgment. As such, Defendants delay tactics have forced Mr. Zaitzeff into the position that he can begin investigating all the allegations of the complaint and risk wasting his time on allegations that are admitted by Defendants in their answer or he can not investigate anything in hopes that Defendants will truthfully admit all of the allegations, but will be months behind in his investigation if they do not. This is severe prejudice, and this Court should not countenance Defendants delay tactics.

2. Defendants' motion essentially granted themselves a de facto extension of time to answer and such conduct should not be permitted.

Defendants filing of this motion essentially granted them a de facto extension of time to answer. Defendants are already in default and it would have been proper for Plaintiff to simply request that a default be entered. However, counsel for Plaintiff, as a courtesy, notified counsel for Defendants that they were in default and that an answer needed to be filed. This courtesy was repaid by Defendants bringing a motion that essentially precludes Plaintiff from taking the default and thus extends their time to answer no matter what the ruling of this court in this motion.

Defendants are essentially relying on the sympathies of this Court in a belief that a judge would not order the entry of default when a party in default has requested an extension to answer. However, Defendants have cited no authority that requires a judge to have sympathy on attorneys who willfully violate the Rules. In fact, just the opposite is the law. *Canfield v. Van Atta Buick/GMC Truck*, 127 F.3d 248, 249 (1997). Given that Defendants were already 30 days late in filing an answer before they brought the request for an extension, there is no reason for this Court to make an exception to the Rules. As such, Plaintiff requests that Defendants' gamesmanship be put to an end. Defendants are in default and Plaintiff respectfully requests that this Court recognize that fact by entering default.

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Electronically filed on August 9, 2008

LAW OFFICES OF MICHAEL TRACY

/s/ Michael Tracy
By: _____
MICHAEL TRACY, Attorney for Plaintiff
DAVID ZAITZEFF

MICHAEL L. TRACY, #237779
mtracy@michaeltracylaw.com
MEGAN ROSS HUTCHINS, #227776
mhutchins@michaeltracylaw.com
LAW OFFICES OF MICHAEL TRACY
2030 Main Street, Suite 1300
Irvine, CA 92614
T: (949) 260-9171
F: (866) 365-3051

/s/ J. Bryan Wood

J. BRYAN WOOD, Local Counsel for
Plaintiff DAVID ZAITZEFF

J. BRYAN WOOD (ARDC No. 6270845)
bryan@jbryanwoodlaw.com
THE LAW OFFICE OF J. BRYAN WOOD
53 W. Jackson Blvd, Ste. 660
Chicago, IL 60604
T: (312) 545-1420
F: (312) 577-0749

CERTIFICATE OF SERVICE

I, J. Bryan Wood, an attorney, certify that service of this **PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE AN ANSWER TO COMPLAINT AND REQUEST FOR CLERK TO ENTER DEFAULT OF DEFENDANTS AND SUPPORTING DECLARATION OF MICHAEL TRACY** on any counsel for Defendant that has appeared by filing with ECF on August 8, 2008.

/s/ J. Bryan Wood

J. Bryan Wood
Local Counsel for Plaintiff

Exhibit A

DECLARATION OF MICHAEL L. TRACY

I, MICHAEL L. TRACY, declare as follows:

1. I am an attorney duly authorized to practice law in the State of California and am admitted to the Bar of the Northern District of Illinois. I am the attorney for Plaintiff, David Zaitzeff (“Plaintiff”) in this matter. If asked to, I could and would competently testify to the following.

2. On May 12, 2008 Defendant PEREGRINE FINANCIAL GROUP, INC. was properly served with the summons and complaint in this action in accordance with Rule 4(c) of the Federal Rules of Civil Procedure, as evidenced by the proof of service on file with this court and attached hereto.

3. On May 12, 2008 Defendant Joseph Peter Slaga was properly served with the summons and complaint in this action in accordance with Rule 4(c) of the Federal Rules of Civil Procedure, as evidenced by the proof of service on file with this court and attached hereto.

4. Defendants PEREGRINE FINANCIAL GROUP, INC. and Joseph Peter Slaga appeared in this action by filing a Motion to Dismiss on May 21, 2008.

5. The Motion to Dismiss was denied in an order dated June 23, 2008.

6. Defendants have not filed an answer or other responsive pleading since June 23, 2008.

7. The applicable time limit for responding to the complaint has expired. Under Rule 12(a)(4)(A) of the Federal Rules of Civil Procedure, Defendants were required to plead to the complaint by July 7, 2008 but have failed to do so. The time to plead or otherwise respond to the complaint has not been extended by any agreement of the parties or any order of the Court.

I declare under penalty of perjury, under the laws of the United States that the foregoing is true and correct.

Executed this 7th day of August 2008 at Irvine, California.

/s/ Michael Tracy

MICHAEL L. TRACY

MICHAEL TRACY SBN 237779
 MEGAN HUTCHINS SBN 227776
 LAW OFFICES OF MICHAEL TRACY
 2030 MAIN ST., STE. 1300
 IRVINE, CA 92614
 TELEPHONE: (949) 260-9171
 FACSIMILE: (866) 365-3051

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID ZAITZEFF v. PEREGRINE FINANCIAL GROUP	Plaintiff(s) Defendant(s)	CASE NUMBER: CV0802874MRPJWJX PROOF OF SERVICE SUMMONS AND COMPLAINT <small>(Use separate proof of service for each person/party served)</small>
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1. At the time of service I was at least 18 years of age and not a party to this action and I **served** copies of the (*specify documents*):
 a. summons complaint alias summons first amended complaint
 second amended complaint
 third amended complaint
 b. other (*specify*): SEE ATTACHMENT
2. **Person served:**
 a. Defendant (*name*): Joseph Peter Slaga, an individual
 b. Other (*specify name and title or relationship to the party/business named*):
 JASMINE HOLMES, PERSON APPARENTLY IN CHARGE.
 c. Address where papers were served: 400 CAMARILLO RANCH RD., STE. 101, CAMARILLO, CA
3. **Manner of Service** in compliance with (*the appropriate box must be checked*):
 a. Federal Rules of Civil Procedure
 b. California Code of Civil Procedure
4. **I served** the person named in Item 2:
 a. By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
 1. **Papers were served on (date):** _____ at (*time*): _____
 b. By **Substituted service**. By leaving copies:
 1. (**home**) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. (**business**) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. **Papers were served on (date):** 05/12/08 at (*time*): 9:55 AM
 4. **by mailing** (*by first-class mail, postage prepaid*) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. **papers were mailed** on (*date*): 05/13/08
 6. **due diligence**. I made at least three (3) attempts to personally serve the defendant.

1377995
 CV-1 (04/01)

- c. **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. **Other** (specify code section and type of service): AUTHORIZED PERSON 415.20

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (*date*): _____ at (*time*): _____

- b. By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

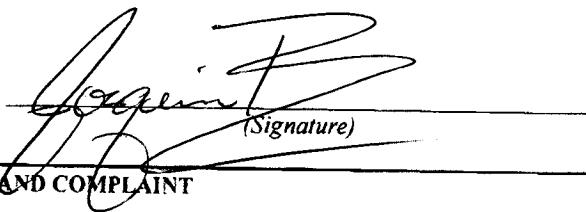
JOAQUIN BRACAMONTES 375/VENTURA
DDS LEGAL SUPPORT SYSTEMS
2900 BRISTOL ST., STE. E106
COSTA MESA, CA 92626
(714) 662-5555

- a. Fee for service: \$ 89 . 90
- b. Not a registered California process server
- c. Exempt from registration under B&P 22350(b)
- d. Registered California process server

8. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: MAY 15, 2008



(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Michael L. Tracy, Esq. SBN 237779 2030 Main St Ste 1300			TELEPHONE NO. (949) 260-9171	FOR COURT USE ONLY
Irvine	CA	92614		
ATTORNEY FOR (Name)				
<i>Insert of Court Name of Judicial District and Branch Court if any</i>				
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA				
SHORT TITLE OF CASE ZAITZEFF V. PEREGRINE				
1377995	(HEARING) Date	Time	Dept	Case Number: CV0802874MRP(JWJx)
REFERENCE NO. ZAITZEFF V. PEREGRINE				

DECLARATION OF REASONABLE DILIGENCE

PERSON TO SERVE: Joseph Peter Slaga, an individual

DOCUMENTS RECEIVED:

**SUMMONS & COMPLAINT
SEE ATTACHMENT**

I DECLARE THE FOLLOWING ATTEMPTS WERE MADE TO EFFECT SERVICE BY PERSONAL DELIVERY

BUSINESS 400 Camarillo Ranch Rd Ste 101
Camarillo CA 93012

05/08/08 03:40 PM SUBJECT NOT IN
05/09/08 09:55 AM SUBJECT NOT IN
05/12/08 09:55 AM SUBJECT NOT IN
SUB-SERVED JASMINE HOLMES AFRICAN AMERICAN
FEMALE 26YRS 5'7" 150LBS. BLACK HAIR
SERVER JOAQUIN BRACAMONTES, #375

7a. Person Serving: Joaquin Bracamontes

d. The fee for service was \$89.90

e. I am:

(1) not a registered California process server:
(3) X registered California process server:
 (i)
 (ii) Registration No: 375
 (ii) County: Ventura

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

5/15/2008

~~SIGNATURE~~

PROOF OF SERVICE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Michael L. Tracy, Esq. SBN 237779 2030 Main St Ste 1300			TELEPHONE NO. (949) 260-9171	FOR COURT USE ONLY
Irvine	CA	92614		
ATTORNEY FOR (Name)				
Insert of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA				
SHORT TITLE OF CASE ZAITZEFF V. PEREGRINE				
1378003	(HEARING) Date	Time	Dept	Case Number: CV0802874MRP(JWJx) REFERENCE NO. ZAITZEFF V. PEREGRINE

PROOF OF SERVICE BY MAIL

1. I AM EMPLOYED IN, OR A RESIDENT OF, THE COUNTY IN WHICH THE MAILING OCCURED,
AND NOT A PARTY TO THIS ACTION. AT THE TIME OF MAILING, I WAS AT LEAST 18 YEARS OF
AGE OR OLDER

ON 05/13/08

5. b (4) AFTER SUBSTITUTED SERVICE UNDER SECTION 415.20 (a) or 415.20 (b) or
415.46 C.C.P. WAS MADE. I SERVED THE WITHIN:

SUMMONS & COMPLAINT
SEE ATTACHMENT

ON THE DEFENDANT IN SAID ACTION BY PLACING A TRUE COPY THEREOF ENCLOSED IN
A SEALED ENVELOPE WITH POSTAGE THEREON PREPAID FOR FIRST CLASS IN THE
UNITED STATES MAIL AT: COSTA MESA, CALIFORNIA, ADDRESSED AS FOLLOWS:

Peregrine Financial Group, Inc., An Iowa

Corporation
Don Wellenreiter, Officer
400 Camarillo Ranch Rd Ste 101
Camarillo CA 93012

DECLARANT: lisa.steele

d. The fee for service was \$50.16

e. I am:

- (1) not a registered California process server:
- (3) registered California process server:
- (i) Employee
- (ii) Registration No: 434
- (iii) County: Orange

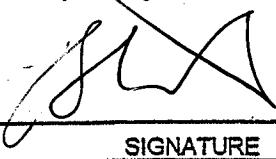
b. DDS Legal Support
2900 Bristol St
Costa Mesa, Ca 92626

c. (714) 662-5555

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

5/15/2008

X


SIGNATURE

PROOF OF SERVICE

PETITIONER/PLAINTIFF: DAVID ZEITZEFF RESPONDENT/DEFENDANT: PEREGRINE FINANCIAL	CASE NUMBER: CV0802874MRP (JWJx)
---	-------------------------------------

CLERK'S OFFICE SERVICES FOR ATTORNEYS AND THE GENERAL PUBLIC;

NOTICE TO COUNSEL;

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVILITY AND PROFESSIONALISM GUIDELINES

MICHAEL TRACY SBN 237779
 MEGAN HUTCHINS SBN 227776
 LAW OFFICES OF MICHAEL TRACY
 2030 MAIN ST., STE. 1300
 IRVINE, CA 92614
 TELEPHONE: (949) 260-9171
 FACSIMILE: (866) 365-3051

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID ZAITZEFF	CASE NUMBER:
v.	CV0802874MRPJWJX
PEREGRINE FINANCIAL GROUP	PROOF OF SERVICE SUMMONS AND COMPLAINT (Use separate proof of service for each person/party served)
Defendant(s)	

1. At the time of service I was at least 18 years of age and not a party to this action and I **served** copies of the (*specify documents*):
 a. summons complaint alias summons first amended complaint
 second amended complaint
 third amended complaint
 other (*specify*): SEE ATTACHMENT
2. **Person served:**
 a. Defendant (*name*): Peregrine Financial Group, Inc., An Iowa Corporation by **serving** **Don Welle reiter, Officer**
 b. Other (*specify name and title or relationship to the party/business named*):
JASMINE HOLMES, PERSON APPARENTLY IN CHARGE.
 c. Address where papers were served: 400 CAMARILLO RANCH RD., STE. 101, CAMARILLO, CA 93012
3. **Manner of Service** in compliance with (*the appropriate box must be checked*):
 a. Federal Rules of Civil Procedure
 b. California Code of Civil Procedure
4. **I served** the person named in Item 2:
 a. By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
 1. **Papers were served on** (*date*): _____ at (*time*): _____
 b. By **Substituted service**. By leaving copies:
 1. (**home**) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. (**business**) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. **Papers were served on** (*date*): 05/12/08 at (*time*): 9:55 AM
 4. **by mailing** (*by first-class mail, postage prepaid*) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. **papers were mailed on** (*date*): 05/13/08
 6. **due diligence**. I made at least three (3) attempts to personally serve the defendant.

- c. **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. **Other** (specify code section and type of service):

5. Service upon the **United States, and Its Agencies, Corporations or Officers.**

- a. by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.

Name of person served:

Title of person served:

Date and time of service: (*date*): _____ at (*time*): _____

- b. By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

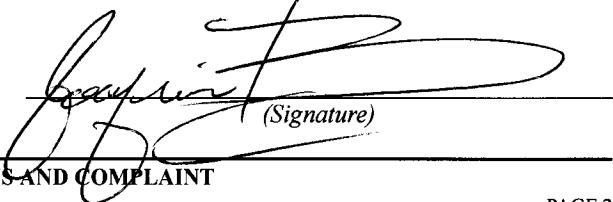
JOAQUIN BRACAMONTES 375/VENTURA
DDS LEGAL SUPPORT SYSTEMS
2900 BRISTOL ST., STE. E106
COSTA MESA, CA 92626
(714) 662-5555

- a. Fee for service: \$ 50 . 16
- b. Not a registered California process server
- c. Exempt from registration under B&P 22350(b)
- d. Registered California process server

8. I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: MAY 15, 2008



Joaquin Bracamontes
(Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Michael L. Tracy, Esq. SBN 237779 2030 Main St Ste 1300			TELEPHONE NO. (949) 260-9171	FOR COURT USE ONLY
Irvine CA 92614				
ATTORNEY FOR (Name)				
Insert of Court Name of Judicial District and Branch Court if any UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA				
SHORT TITLE OF CASE ZAITZEFF V. PEREGRINE				
1377995	(HEARING) Date	Time	Dept	Case Number: CV0802874MRP(JWJx)
				REFERENCE NO. ZAITZEFF V. PEREGRINE

PROOF OF SERVICE BY MAIL

1. I AM EMPLOYED IN, OR A RESIDENT OF, THE COUNTY IN WHICH THE MAILING OCCURRED, AND NOT A PARTY TO THIS ACTION. AT THE TIME OF MAILING, I WAS AT LEAST 18 YEARS OF AGE OR OLDER

ON **5/13/08**

5. b (4) AFTER SUBSTITUTED SERVICE UNDER SECTION 415.20 (a) or 415.20 (b) or 415.46 C.C.P. WAS MADE. I SERVED THE WITHIN:

SUMMONS & COMPLAINT
- SEE ATTACHMENT

ON THE DEFENDANT IN SAID ACTION BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON PREPAID FOR FIRST CLASS IN THE UNITED STATES MAIL AT: COSTA MESA, CALIFORNIA, ADDRESSED AS FOLLOWS:

Joseph Peter Slaga, an individual

400 Camarillo Ranch Rd Ste 101
Camarillo CA 93012

DECLARANT: lisa.steele

d. The fee for service was \$89.90

e. I am:

- (1) X not a registered California process server:
- (3) registered California process server:
- (i) Employee
- (ii) Registration No: 434
- (iii) County: Orange

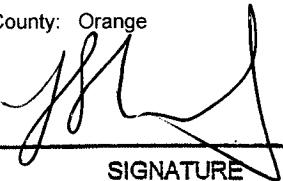
b. DDS Legal Support
2900 Bristol St
Costa Mesa, Ca 92626

c. (714) 662-5555

8. I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

5/15/2008

X


SIGNATURE

PROOF OF SERVICE

PETITIONER/PLAINTIFF: DAVID ZEITZEFF RESPONDENT/DEFENDANT: PEREGRINE FINANCIAL	CASE NUMBER: CV0802874MRP (JWJx)
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CLERK'S OFFICE SERVICES FOR ATTORNEYS AND THE GENERAL PUBLIC;

NOTICE TO COUNSEL;

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVILITY AND PROFESSIONALISM GUIDELINES